



April 17, 2012

U.S. Army Corps of Engineers
Attn: CECW-CE, Tammy Conforti
441 G Street NW
Washington, DC 20314-1000

Re: Levee Vegetation Management Policy Guidance Letter
Docket # COE-2010-0007

Dear Ms. Conforti:

I am writing to express concerns the City of Redmond has about the U.S. Army Corps of Engineers' recently published Policy Guidance Letter (PGL) regarding the Process for Requesting a Variance from Vegetation Standards for Levees and Floodwalls. Given the potential conflict between the need to provide for safe levees and compliance with the Endangered Species Act (ESA), we request that the Army Corps tailor levee management to meet the specific needs of the Pacific Northwest region in the most cost effective and timely manner possible. The current proposal by the Army Corps may not protect threatened salmon and is neither cost effective nor timely. Numerous jurisdictions and organizations are making substantial investments towards recovery of listed salmon stocks, and the cumulative impacts of the PGL have the potential to undo much of the good work that has been implemented. To this end we request that the existing Seattle Variance remain in place; or, the draft PGL be withdrawn and replaced with a workable alternative (such as the "Seattle Matrix") and the Army Corps consult with the Federal services regarding the impact of levee vegetation removal on listed species.

As a member of the King County Flood Control District, the City of Redmond is working hard with our local and regional partners, including affected tribes, businesses, other jurisdictions, and Federal agencies, including the Army Corps, to provide for safe and effective solutions to prevent flooding. However, we firmly stand by obligations to protect and restore habitat for fish species listed under the ESA.

During the April 4, 2012, workshop on the PGL held at the University of Washington Tacoma campus, Army Corps leadership emphasized the need for balanced consideration of flood prevention, habitat protection and cost effectiveness. The current policy appears to emphasize flood control to the detriment of both habitat and cost constraints. At the workshop Steven Landino, Washington State Habitat Director for NOAA Fisheries, made it clear that the PGL in its current form does not provide legally required protection for listed salmon. The PGL unfairly places the burden of ESA liability directly on local

levee sponsors in spite of the fact that the Army Corps obligates sponsors to remove vegetation (in potential conflict with ESA). We firmly believe that a modified policy which promotes retention of appropriate vegetation to protect essential habitat for threatened salmon stocks can meet all three objectives.

Several elements should be modified to provide sponsors a reasonable chance of success in managing levees:

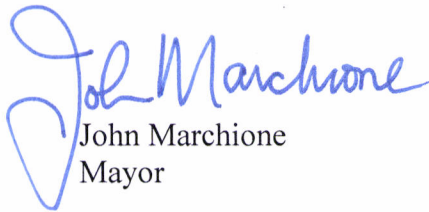
- The definition of a "levee system" should be clarified to apply only to constructed bermed systems (not conveyance systems) that are enrolled in an Army Corps program.
- The new national vegetation standard appears to meet the definition of a Federal "Action" (CFR 402.02) that affects critical habitat for listed species, and as such the Army Corps is required to consult with NOAA Fisheries and the U.S. Fish and Wildlife Service (and affected Tribal governments).
- The process should accommodate watershed-wide applications to streamline engineering, application submittal and review for approval.
- Approval decisions should be made at a local level (District or Division rather than Headquarters) for more holistic consideration of local conditions and habitat.
- The proposed one-year time frame for sponsors to meet new levee management requirements or chose a variance or SWIF is inadequate given the complex engineering, biological and financial considerations.
- After a sponsor elects a process path, one additional year is not enough time to generate extensive engineering and environmental studies, submit variance or SWIF application and complete negotiation with Army Corps staff for approval.
- More detailed templates and examples should be provided to levee sponsors as a clear roadmap to approval (and success, including flood protection, ESA compliance and cost control), and the Army Corps should implement mechanisms to share engineering for successful SWIF's across the region.
- Army Corps policy should actively promote setting back levees to promote natural river function and increase vegetation while enhancing flood protection, where feasible.
- Requirements that vegetation-related science be submitted solely by a research author is unduly restrictive. Peer reviewed science should be valid when presented by another party provided the context is appropriate.

In order to provide responsible government, all agencies must ensure that public funds are spent efficiently in achieving the dual goals of flood protection and salmon recovery. The proposal in the current PGL to eliminate the Seattle District's regional variance will be costly, inefficient, unlikely to provide increased flood protection, detrimental to listed salmon stocks, and will place local jurisdictions in jeopardy of lawsuits due to the conflict between the PGL and the ESA. We are keenly interested in having modified standards that make sense for our region, or streamlined variances attainable at the local level. The modified policies should not require local jurisdictions to spend funds on

excessive engineering costs or unwarranted vegetation removal that may undermine progress toward Salmon recovery in the Pacific Northwest.

We remain hopeful that levee vegetation standards for the Pacific Northwest will be significantly modified to control expenditures in these challenging economic times and meet the ESA required environmental protection. I would be happy to answer any questions you might have on how this potential policy affects our city.

Sincerely,



John Marchione
Mayor

cc:

Director Mr. Daniel M. Ashe, U.S. Fish and Wildlife Service
1849 C Street NW, Washington, DC 20240-0001

Administrator Dr. Jane Lubchenco, National Oceanic and Atmospheric Administration
1401 Constitution Avenue, NW, Room 5128, Washington, DC 20230

Colonel Bruce Estock, Commander and District Engineer, US Army Corps of Engineers,
Seattle District

Governor Christine Gregoire

Executive Director Gerry O'Keefe, Puget Sound Partnership

Director Mark Isaacson, King County Water & Land Resources Division